

**MINUTES  
TOWN BOARD MEETING  
MAY 6, 2019**

The meeting was called to order at 7:00 p.m.

Present: Supervisors: Prudhon, Ruzek, McCune; Clerk: Christopherson; Attorney: Lemmons; Engineer: Poppler, Planner: Riedesel; Public Works Director: Reed.

**APPROVAL OF AGENDA (Additions/Deletions):** Ruzek moved to approve the agenda as submitted, with the addition movement of Consent Agenda item 5F to a discussion under New Business item 8E; and correction of wording of Consent Agenda items 5B and 5H. McCune seconded. Ayes all.

**APPROVAL OF PAYMENT OF BILLS:** Ruzek moved to approve payment of bills. McCune seconded. Ayes all.

**APPROVAL OF MINUTES OF APRIL 15, 2018 (Additions/Deletions):** Ruzek moved to approve of the Minutes of April 15, 2019 with grammatical corrections made earlier in the day. McCune seconded. Ayes all.

**CONSENT AGENDA:** McCune moved to approve 5A) Special Town Board Meeting – Call a Special Town Board Meeting for Tuesday, May 28, 2019 @ 6:30 p.m. @ Otter Lake Elementary School, 1401 County Road H-2, to attend a Neighborhood Meeting regarding the 2019 Road Improvement Project; 5B) National Police Week – Adopt Resolution Recognizing National Police Week as May 12-18, 2019; 5C) Cable Franchise Extension Agreement – Approve extension of expiration date of the current Franchise Agreement from August 31, 2019 to February 29, 2020 & authorize execution by the Town Board Chair; 5D) Lake Links Trail Cooperative Grant – Approve the Lake Links Trail Cooperative Grant modification requesting \$2,500 in additional funding to be split 50/50 with White Bear Lake to perform a traffic study; 5E) Stable Property – Approve the Proposal and Contract for Services to Perform a Property Appraisal @ 5685 Portland Avenue; 5G) Appreciation Gift – Authorize purchase of an appreciation gift for the out-going recording secretary; 5H) National Public Works Week – Adopt Resolution Proclaiming May 19-25, 2019 as National Public Works Week. Ruzek seconded. Ayes all.

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**OLD BUSINESS:** None.

**ORDINANCE NO. 35 AMENDMENT & CONDITIONAL USE PERMIT REQUEST @ 2321 LEIBEL STREET:** Ruzek moved to note proper publication of the hearing notice in newspaper & waive reading of notice. McCune seconded. Ayes all. Ruzek moved to open the public hearing. McCune seconded. Ayes all.

Linda McGinty and Kevin Shaw from Luther Company were present at the March 28, 2019 Planning Commission Meeting to discuss this agenda item. McGinty had started off with an apology, stating that there were already cars in the lot due to the heavy snowfall in February. The company had to move them from the White Bear Subaru lot. Though Luther knowingly put cars at this site, their intent is to only keep new cars there temporarily, while the company gains access to a developing property. McGinty stated Luther is asking for one year.

2321 Leibel Street lot space has been used by school busses since 1991. It is not currently in use by the Township. White Bear Luther Subaru is proposing a temporary situation for storing brand new cars. Though there are no density restrictions, there are other restrictions and ordinances put on by the Township. Luther cannot sell cars from this lot; it is storage only.

Due to the length of time the school busses have been on the lot, the Planning Commission recommended the Town Board approve the Zoning Ordinance Amendment, adding #13 “automotive storage” to the list of I-1 Conditional Uses to Section 6-5 of the Zoning Ordinance, specifically giving no timeframe, though Luther was asking for a year.

Ruzek moved to open the Public Comment Portion. McCune seconded. Ayes all. Steve Sabraski spokesperson for Luther, was present to answer questions. He explained that there is no selling on Leibel street and that in order for a client to see the car, Luther has to send a runner to go retrieve it. There was discussion of licensing, and whether or not the cars are considered licensed. The Board discussed the license portion of the ordinance and that the Town’s ordinance needs to be clear on storing vehicles. There was discussion of tabling the discussion until the next Town Board meeting, but due to Luther’s 60-day review period nearing the completion, the Board wanted to clear either approve or deny the amendment and conditional use permit at tonight’s meeting. Ruzek moved to table this agenda item until later in the meeting so the Town Attorney can look into the wording of the Ordinance on this issue. McCune seconded. Ayes all.

Ruzek moved to reopen this agenda item for continued discussion.

At 7:43 p.m. Ruzek made the motion to reopen 7A for continued discussion. McCune seconded. Ayes all.

Lemmons stated that the zoning ordinance on restricting parking unlicensed vehicles applies on residential property; it does not impact commercial property. Lemmons

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stated that the Board should note that under the Conditional Use Requirements for this Proposed Conditional Use Permit, that number 8 says that all federal and state statutes rules and regulations, and all local ordinances should be complied with. This means that the vehicles have to be licensed under some method under state regulation. So if the vehicles cannot be moved without licensing provision from the state's statutes, then the vehicles wouldn't comply. Another recommendation Lemmons suggested is that the Town Board amends number 9 that states that the vehicles must be operable.

The concept of "new" was discussed. Lemmons advised that a car can be considered "new" if it hasn't been registered because some "current" year cars move. Either way there could be a loophole. It was decided that it would not be worth discussing at this time because the Luther permit will expire May of 2021. The Board noted that the neighbors are okay with it.

Based on Staff review & recommendation McCune moved to approve the amendment to Ordinance No. 35, adding under Conditional Uses in the I-1 Light Industrial District, Section 12. New Automobile Storage. Ruzek seconded. Ayes all.

Based on Staff review & recommendation McCune moved to approve the Conditional Use Permit / Zoning Certificate with Requirements to allow storage of new automobiles at 2321 Leibel Street with the condition that the Township is adding number 9 stating that the vehicle must be operable. Ruzek seconded. Ayes all.

**NEW BUSINESS – 2019 CRACK SEALING PROPOSAL:** The Public Works Director stated that this year is similar to previous years in mapping and performing crack sealing on the pavement. Crack sealing is a part of yearly maintenance and management of the Township's roads. The process includes routing cracks to  $\frac{3}{4}$ " wide by  $\frac{3}{4}$ " deep, blowing out the debris in the cracks, and then filling the crack with a MNDOT 3723 specified sealant. He stated that the proposals were sent out with a "not to exceed" \$28,000.00, but if there is left over funds it will go into the 2020 crack sealing budget.

Public Works received quotes from Sealtech, Inc. for \$1.50 per pound of crack seal and Fahrner Asphalt Sealers, LLC for \$1.82 per pound of crack seal. The Township has worked with both companies in the past and is comfortable with either. Both companies have been made aware of the Town's ordinances in noise regulation and working hours of operation. The recommendation is that the Board approve the low quote. Timing was discussed, Reed explained that Sealtech, Inc. are ready and will begin preparations, with actual sealcoating beginning in July.

Ruzek moved to receive the quotes from Sealtech, Inc., & Fahrner Asphalt Sealers, LLC. McCune seconded. Ayes all.

Ruzek moved to approve the quote from Sealtech, Inc. in the amount of \$28,000 for \$1.50 per pound of crack seal with funding from the 505 Improvement Fund.

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**NEW BUSINESS – IMPROVEMENT I & I PROJECT:** Part of the Town’s infrastructure management program is providing funding for Infiltration and Inflow (I/I) investigative work. The Town maintains over 300,000 lineal feet of sewer pipe, and similar to other years, 2019’s goal is to continue on schedule with joint sealing and televising the I & I investigative work, with about 50% of the 300,000 feet left.

The Public Works Director has put together a bid sheet in the packet, opening on May 30, 2019. Reed explained that the potential contractor will pressure test every joint to see if it needs seal or not. From there the contractor will come up with the price per tested and sealed joint.

Ruzek made the motion based on Public Works Director review & recommendation to Approve the plans & specifications. McCune seconded. Ayes all.

Ruzek made the motion based on Public Works Director review & recommendation to authorize advertisement for bids noting the bid opening date of May 30, 2019. McCune seconded. Ayes all.

**NEW BUSINESS – WELLS 2 & 6 – APPROVE MAG LOW METERS REPLACEMENT:** Around 2013 all of the prop meters in the wells were replaced except meters 2 and 6 because they were newer. The Public Works Department cleans the wells and the meters in the wells once per year, and it is the recommendation to the Town Board that the Township replace the meters in wells 2 and 6 with Mag Flow Meters. These Mag Meters will increase the flow, accuracy of the reading, and water accountability.

Two quotes have been received from Metering and Technology for a Badger Mag Flow Meter for \$8,250.00 and Tech Sales Company for a Rosemount Mag Flow Meter for \$8,598.15. The Rosemount Meter was higher in price and filled fewer qualifications important to the Township. There will be some additional fees for implementation and programming of the Town’s current SCADA Integrator, which will cost around \$2,000. The Public Works Direct explained that the total may be around \$10,000 and will come from the Water Operating Fund.

A question regarding how long the wells would be shut down was brought up. Reed explained that if this project is done before too long into the summer, the demand isn’t going to be as high and so it will take a shorter amount of time. He estimates at least 3 days.

Ruzek moved based on Public Works Director review & recommendation approve the quote from metering and technology for mag flow meters for Wells 2 & 6 for a total cost of \$8,250.00 with funding from the Water Operating Fund. McCune seconded. Ayes all.

**PUBLIC WORKS CANOPY – APPROVE FINAL PAYMENT:** In the winter of 2018-2019, the Town Board had approved installment of canopies. The Town Board awarded

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the Public Works Canopy Project at the March 4, 2019 meeting to Cobra Construction, Inc. for \$29,479.68. The Town has made partial payment application for \$10,229.00, which leaves \$19,250.78. However, the final payment is to be \$24,961.41, with accounts for \$5,719.73 in Change Orders related to unforeseen structural adjustments while Cobra installed the two canopies over the service doors on the south side of the Public Works Building. It was noted that there is \$35,000.00 in the Capital Building Fund for this project, however, the new total is over by \$190.41. The shortage will be derived from other Capital Building Fund projects.

McCune made the motion based on Public Works Director Review & Recommendation approve the final pay application from Cobra Construction, Inc. for \$24,961.41 for the Construction & Installation of Canopies over the two service doors at the Public Works Building with funding from the Capital Building Fund. Ruzek seconded. Ayes all.

**WEST BALD EAGLE BOULEVARD – DISCUSSION — CURRENT RESOLUTION:** For decades residents in the Township have debated the pros and cons of making West Bald Eagle Blvd a one-way or leaving it a two-way. This item has come and gone on the Town Board agenda for years, only to circulate. As the case may be, it may still recirculate, but not for a couple years.

The Town Board had originally asked the Clerk to write up a summary of what the Board's potential position could be and submit it for discussion. However, as many of the residents feel strongly about this topic, so do the supervisors. It was Ruzek who wrote up a summary for discussion. It is as follows:

“Over the last few years there have been numerous meetings and discussions regarding changes to Bald Eagle Boulevards, both east and west. Most of the conversation has been about West Bald Eagle Blvd, with proposals to improve safety for biking and walking and to promote enjoyment of the lake for all and I support those goals. However, this is a county road and many of the requested changes require the county to execute them. They are beyond the control of the Township. The County could be asked to turn the road over to the Township, but this cannot happen until the road is reconstructed at county expense. To take this road over in its current state would be a near impossible expense for the Township. We currently have no funds for this and so the quickest and only reasonable path to reconstructing this road is for the county to do it.

“Regardless of who constructs the road, creating a none way poses many problems for areas of our Township well beyond those residing on the Boulevard. Lake Avenue in White Bear Lake is often cited as the kind of road Bald Eagle could be. Lake Avenue is a beautiful avenue with a one way and a dedicated walking/biking path. Bald Eagle Boulevard is, unfortunately, very different from Lake Avenue, with Bald Eagle Blvd being very narrow, much narrower than Lake Avenue, and having fewer access points for emergency vehicles and fewer points of easy entrance and exit from a one way for residents and others using

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the road. This means a one way creates inconvenience for many and a much greater traffic flow to other streets that would then be negatively impacted. Based on a thorough examination of all information available and of feedback from our citizens I would say that Bald Eagle Boulevard is not a candidate for a one-way and I would like to end that discussion. I would like us to continue to actively promote safety on this road with continued use of speed monitoring, trimming of trees to allow shoulders to be used by bikers and walkers and sheriff patrols to enforce the laws. We should also consider requesting a speed limit reduction from the county or state, as applicable.

“With that said, I am very interested to see how the county reconstructs the Boulevard north of H2 in 2019, as we have been advised it will likely be a narrowing of the lanes and a widening of the shoulders. This will give us a chance to see how this works and whether this would have any value for other parts of the Boulevard. If the narrow lanes work, we should consider the same approach for the area south of H2. In addition to considering a narrowing of the lanes, we might also consider widening the street using available easements, to create two lanes of traffic with a dedicated biking/walking lane on the lake side. That is a formidable task, and may be out of our reach, but I would give it consideration if there is interest, once we see how the expected improvement by the county to West Bald Eagle Boulevard north of County Road H2 turns out.

“So, in summary, I think we should end discussion of the one way and focus on other alternatives to improving Bald Eagle Boulevard.” (sic)

All supervisors have received numerous phone calls and emails. McCune pointed out that they are about 50/50, and so either way the Board isn't going to please everyone. As noted in this and other meetings, there are numerous street improvement projects underway in 2019. Prudhon stated that people do well at sharing the road.

Ruzek made the motion to deny the resolution of temporarily suspending discussion of a “One-Way Parkway” on West Bald Eagle Boulevard. McCune seconded. Prudhon stated that this is not because the Township is neglecting the safety of that road, far from it. He stated the safest possible avenue for the Township would be to keep it as a two-way. Ayes all.

**ADMINISTRATION BUILDING UPDATES – REVIEW:** The Clerk presented the two drafts about the reconfiguration of the Town Offices with security in mind to coincide with the Capital Improvement Projects that will be done this year by SEH. There will be new carpet, new tile, new paint, and new secure designs. There will be two doors, the counter will be ADA height proportioned. There was some discussion on safety, like making some of the office fob-access only. There was some discussion on making a small office space rather than a closet. There was discussion on getting sound proof windows or getting half-glass or full-glass windows at the counters with bullet proof

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glass for safety. The Clerk will meet with SEH again and will bring back the changes by the May 20<sup>th</sup> Town Board Meeting.

**TOWN ENGINEER ITEMS – IMPROVEMENT 2019-3:** At the Town Board Executive Meeting of April 26, 2019, the Board authorized continuing the project but there was no quote at that time. The neighborhood meeting will be held on Tuesday, May 28, 2019 at 6:30 p.m. at Otter Lake Elementary. There is also a Public Hearing at the Town Board Meeting of June 4, 2019.

The goal, Poppler stated, is to keep the ball rolling with this project and be all ready to go when it is completely and totally improved. There may be future points to address because the neighborhood meeting and the public hearing haven't happened yet.

A question was brought up about similar processes for all five years under the Street Improvement Plan. Poppler explained that the process may be similar, but there will be fewer steps to complete each year as time goes on.

The Town Board has already passed a resolution approving plans and specifications.

Ruzek made the motion based on the Town Engineer review & recommendation to authorize TKDA to work with staff and residents to prepare the plans and specifications for an amount not to exceed \$59,500.00. The plans and specifications do not obligate the Board to determine project assessments or funding. The funding for this portion of the proposed projects will be through the Improvement Fund 505. McCune seconded. Ayes all.

**GENERAL BUSINESS – CLERK-TREASURER PROBATIONARY PERIOD:** It's the Town Policy to go through a probationary period review. Ruzek suggested filling out evaluation forms outside of the meeting and go through Lemmons to be presented to Christopherson at the Town Board Executive Meeting. There was consensus and agreement with this.

**OPEN TIME:** No one appeared for Open Time.

**RECEIPT OF AGENDA MATERIALS / SUPPLEMENTS:** McCune motioned to receive all Agenda Materials & Supplements for tonight's meeting. Ruzek seconded. Ayes all.

Ruzek moved to adjourn the meeting at 8:24 p.m. McCune seconded. Ayes all.

Respectfully Submitted,

Patrick Christopherson  
Town Clerk-Treasurer

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Approved as Official Meeting Minutes

\_\_\_\_\_  
Town Board Supervisor

\_\_\_\_\_  
Date